

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re:)	
FOSAMAX PRODUCTS LIABILITY)	
LITIGATION)	Case No.
(MDL No. 1789))	1:06-md-01789-JFK-JCF
)	
This Document Relates to:)	
<u>Case No. 1:07-cv-09562-JFK</u>)	
ELLA TRISTANO v. NOVARTIS)	
PHARMACEUTICALS CORPORATION and)	
MERCK & CO., INC.)	

SUGGESTION OF DEATH

Counsel for plaintiff in the above-referenced action, hereby give notice of the death of plaintiff Ella Tristano. Ella Tristano passed away away at 11:00 pm on September 19, 2007. In accordance with the Case Management Order entered in this case and Rule 25(a) of the Federal Rules of Civil procedure, Robert Mazzucco, the personal representative of Ella Tristano's estate, will be substituted in this action so that Ella Tristano's claims survive and the action on her behalf may proceed.

Dated: New York, New York
February 1, 2008

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2008, a true and correct copy of the foregoing Suggestion of Death filed on Behalf of Plaintiff Ella Tristano, will be served via electronic transmission to on those persons identified as Attorneys to be noticed via the Court's CM/ECF system.

_____/s/_____
Russel H. Beatie